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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,591	11/28/2001	Stefan Berndt	112740-357	6228
29177	7590	11/18/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			WOO, ISAAC M	
			ART UNIT	PAPER NUMBER
			2166	
DATE MAILED: 11/18/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,591

Applicant(s)

BERNDT, STEFAN

Examiner

Isaac M. Woo

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Applicant's Amendments, filed on September 06, 2005 have been considered but they are not persuasive.
2. The pending claims are 1-2 and 4-9.

Response to Arguments

3. In response to Applicant's remark filed on September 06, 2005, the following factual arguments are noted:

Novak et al (US Patent No. 6,393,419), Landress (6,351,744) alone or in combination, fails to teach for;

1, "a second interface to an access unit which provides access mechanisms for different memory structures, wherein the unit provides the application with appropriate data by accessing the access unit and affords changes to the data independent of changes made to the data via the first interface",

2, "third interface to a consistency module for automatically updating changes to the data for further applications accessing the same data" and,

3, "no teaching, suggestion or motivation for one of ordinary skill in the art to combine the Novak and Landresse reference".

Examiner does not agree. The point of claimed limitation is that different interface (multiple interface) accesses for different memory structure to change same data independently, and the data separately changed updates the same data.

In response to 1, Landress discloses, "multiple number of database engines having access routines available to multiple numbers of user application programs are connected to ***different sets of data file structures in databases*** composed of multiple physical files", see (col. 2, lines 35-47). This teaches that second interface access different memory structures.

In response to 2, Novak discloses, multi-client (101-106, fig. 1D) can accesses database (S14, fig. 3) and modifies or changes data (S16, fig. 3, for instance, data x). Once data (x) changed, the system changes (overwrite) same data x. This teaches the each client accesses and modifies same data in different time (independent data change). Last data modified overwrites (automatically updates) same data in order to get data consistency. Thus, the disclosed system provides data integrity (data consistency) for limitation of "third interface to a consistency module for automatically updating changes to the data for further applications accessing the same data".

In response to 3, the system or Landress is a multiprocessor system access database and concurrently update data and provides accessing different data file structure, see (col. 2, lines 35-47). Accessing different file structure provides data compatibility to manage different data file type, especially, in multimedia data (audio, image, text data, etc) management system. Thus, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the

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prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Thus, Novak et al (US Patent No. 6,393,419) and/or Landress (6,351,744) disclose or suggest for second interface to an access unit which provides access mechanisms for different memory structures, wherein the unit provides the application with appropriate data by accessing the access unit and affords changes to the data independent of changes made to the data via the first interface; and a third interface to a consistency module for automatically updating changes to the data for further applications accessing the same data, and provides motivation for combination the Novak and Landress, and provides the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak et al (U.S. Patent No. 6,393,419, hereinafter, "Novak") in view Landresse (U.S. Patent No. 6,351,744).

With respect to claim 1, Novak discloses, first interface (102-106, multi-user, clients, each user has each interface to access database 101, fig. 1A, col. 2, lines 22-67) to an application which initializes access to the data and affords changes to the data, see (fig. 2, col. 4, lines 13-30, for instance, client A access database record X); second interface (102-106, multi-user, clients, each user has each interface to access database 101 independently, fig. 1A, col. 2, lines 22-67) to an access unit provides the application with appropriate data by accessing access unit and affords changes to the data independent of changes made to the data (fig. 2, col. 4, lines 13-30, for instance, client A access database record X) via the first interface; and third interface to a consistency module (data consistency consideration by data integrity, col. 8, lines 2-9, col. 3, lines 29-37) for automatically updating changes to the data for further applications accessing the same data (record x, multi-client database editing of same data record x, the system provides data integrity, consistency, S10-S20, fig. 3, col. 4, lines 54-67 to col. 5, lines 1-50). Novak does not explicitly disclose, second interface to an access unit which provides access mechanisms for different memory structures. However, Landresse discloses, "multiple number of database engines having access routines available to multiple numbers of user application programs are connected to different sets of data file structures in databases composed of multiple physical files",

see (col. 2, lines 35-47). This teaches that second interface access different memory structures. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify by incorporating second interface to an access unit which provides access mechanisms for different memory structures with system of Landresse. One having ordinary skill in the art at the time the invention was made would have been motivated to use such a combination because that would provide Novak's system the multi-accessing capability to access different data structure from different client, which provides data compatibility and integrity to manipulate data in the data management system.

With respect to claim 2, Novak discloses, application is produced on an object-oriented basis, and the data are provided as required objects (database record), see (col. 3, lines 29-52, database records are objects).

With respect to claim 4, Novak discloses, first data processing device in which the data are stored, see (101, database, fig. 1A, col. 2, lines 22-67, data is stored in database).

With respect to claim 5, Novak discloses, first and second data devices being connected to another via a network, see (fig. 1A, col. 2, lines 22-67, 101, database and each client 102-106 are connected via network communication environment).

With respect to claim 6, Novak discloses, unit is arranged in the first data processing device, see (fig. 1A, col. 2, lines 22-67, computer processing system).

With respect to claim 7, Novak discloses, first interface is used for connection to a network interface unit, see (fig. 1A, col. 2, lines 22-67, each client interface 102-106 are connected via network communication environment).

With respect to claim 8, Novak discloses, each application has a respectively associated application-specific unit, see (fig. 1D, col. 2, lines 22-53, each application has each database accessing unit).

With respect to claim 9, Novak discloses, first interface (102-106, multi-user, clients, each user has each interface to access database 101, fig. 1A, col. 2, lines 22-67) to an application which initializes access to the data and affords changes to the data, see (fig. 2, col. 4, lines 13-30, for instance, client A access database record X); second interface (102-106, multi-user, clients, each user has each interface to access database 101 independently, fig. 1A, col. 2, lines 22-67) to an access unit provides the application with appropriate data by accessing access unit and affords changes to the data independent of changes made to the data (fig. 2, col. 4, lines 13-30, for instance, client A access database record X) via the first interface; and third interface to a consistency module (data integrity, col. 7, lines 57-65) for automatically updating changes to the data for further applications accessing the same data (record x, multi-

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client database editing of same data record x, the system provides data integrity, consistency, S10-S20, fig. 3, col. 4, lines 54-67 to col. 5, lines 1-50). Novak does not explicitly disclose, second interface to an access unit which provides access mechanisms for different memory structures. However, Landresse discloses, "multiple number of database engines having access routines available to multiple numbers of user application programs are connected to different sets of data file structures in databases composed of multiple physical files", see (col. 2, lines 35-47). This teaches that second interface access different memory structures. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify by incorporating second interface to an access unit which provides access mechanisms for different memory structures with system of Landresse. One having ordinary skill in the art at the time the invention was made would have been motivated to use such a combination because that would provide Novak's system the multi-accessing capability to access different data structure from different client, which provides data compatibility and integrity in the data management system.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M. Woo whose telephone number is (571) 272-4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IMW
November 14, 2005


JEAN M. CORRIELUS
PRIMARY EXAMINER